

D. Remarks:

The Examiner has originally allowed claims **1** to **5** and **15** and indicated claim **12** would be allowable if rewritten to obviate a 35 U.S.C. 112 second paragraph rejection of the base claim **11**. Claims **16** to **18** were rejected under 35 U.S.C. 112 second paragraph as failing to set forth further method steps additional to those in allowed base claim **15**, but indicated as being allowable if amended to remove the Section 112 objection. Claims **8** to **10**, **13** and **14** have been objected to because of dependence upon a rejected claim, but indicated to be allowable if rewritten in independent form. Claims **6**, **7** and **11** were rejected as obvious under Section 103 in view of the Galbraith reference in view of the Massicotte reference.

Applicant has carefully reviewed the entire application and has made a number of clarifying amendments to the specifications with respect to possible lack of clarity in English language construction and meaning and to conform the description of the specification and the drawings, which contain multiple embodiment examples, to illustrate and make clear the scope of the invention. The specification is now believed to be in excellent order for issue into a patent. No new matter has been introduced.

The Examiner has cited and relied upon the U.S. Patent 4,915,279 issued April 10, 1990 to Galbraith for a golf club holder designed to fit as a clip over the belt of a golfer or partially into the pocket or waistband of a standing golfer in view of Canadian published application 2,170,650 to one Paul Massicotte which discloses a wall mounted cane holder with interconnecting slotted cane holding openings designed to support multiple canes in parallel relationship when not in use, not on the person of a cane user, but mounted on a wall to hold the owners cane or canes between uses. Galbraith discloses only a single plastic or other golf club holder with an interior opening adapted for the insertion of a golf club through a slot in the side. Since the holder is kept in a vertical orientation, the club becomes wedged within the holder by friction between the

sides of the holder and the sides of the club. As can be seen in the Galbraith drawings the club handle is smaller than the central orifice of the holder but because of the angle of the holder when attached to the golfer effectively holds the golf club by friction. There are no multiple orifices of different sizes with one leading into another as in Applicant's cane holder. Thus, as the Examiner will appreciate, the golf clubs of Galbraith are by no means held as securely as the present Applicant's cane holder secures most canes in the cane holding device of the invention.

The Canadian Massicotte reference shows a cane holder with multiple orifices in pairs and in a very broad sense with one orifice leading into another. However, the orifices are not of differential size so that a cane can be entered first into a larger size orifice and then moved through a restricted slot into a smaller diameter orifice which more closely holds the cane. Instead the Massicotte device is designed to hold several canes in its multiple orifices, which orifices are all shown the same size. The Massicotte device is intended to be fastened to a wall rather than being carried on a lanyard.

Both the Galbraith and Massicotte references lack any disclosure of a portable cane holder having interconnecting differential sized openings or orifices so that a cane can be entered into the larger orifice and then moved directly to the smaller orifice, if not held securely in the larger orifice.

Applicant has amended his claims to avoid the Examiner's rejections and avoid the Galbraith and Massicotte references by amending claim 6 to recite that the orifices are differentially sized and in direct communication with each other. This is not disclosed by the cited references. Dependent claims 7 and 11 have been amended to bring them into conformance with claim 6. Likewise claims 16, 17 and 18 have been amended to use method language, or language specifying steps to be taken, to bring

them into conformance with claim **15** previously allowed. Claims **1** through **5** were also previously allowed.

With the amendments now made it is believed the previously objected to and rejected claims should be in allowable condition and an action to this effect is requested.

Applicant has carefully reviewed the references cited, but not relied upon by the Examiner, namely U.S. Patent 1,243,173 issued October 16, 1917 to A.B. Hinckley which discloses a clothes rack with a series of umbrella and cane holders half way up the clothes tree, such holders being somewhat similar in shape to the Massicotte cane holder but more open; U.S. Patent 5,758,808 issued June 2, 1988 to R.P. Epps et al., which was cited also in Applicant's application, which reference shows a strap for holding a cane by a hook and loop arrangement, U.S. Patent 4,884,730 issued December 5, 1989 to C.L. Carpenter also cited by Applicant, which shows a strap for placement on the user's wrist extending to a cane loop for holding a cane; U.S. Patent 6,000,414 issued December 14, 1999 to J.C. Crusor, which shows a hook and loop pad for wearing on a cane user's belt for attachment to a cooperating hook and loop material attached to the upper portion of a cane; U.S. Patent 4,958,758 issued September 25, 1990 to J.E. Tipple et al. showing a further hook and loop arrangement for the wrist attached to a lanyard with an adjustable tightener, which loops about a cane to keep it close at hand for the user, which reference was also cited by Applicant; U.S. Patent 6,062,448 issued May 16, 2000 to B. Balodis which discloses a sling for an umbrella; U.S. Patent 3,958,306 issued May 25, 1976 to T. Kuusisto and U.S. Patent 781,629 issued to G.M.J. Ahlstrom in 1905 both of which secure an umbrella by a coil arrangement on a clip chain or cylindrical fitting attached to a belt or pin or the like to hold an umbrella; U.S. Patent 5,323,941 issued June 28, 1994 to E.I. Sobolev which discloses another umbrella holder which shows a contrivance for supporting an

umbrella on a person in rain protective position without using his hands; U.S. Patent 6,209,253 issued April 3, 2001 to D. Saldana, Jr. which discloses a fishing rod holder for mounting on a fisherman's clothing or a lifejacket. The rod holder includes an opening into which the handle of a fishing rod may be inserted and in one embodiment has three interconnected orifices. A clamping arrangement is provided apparently by a plate behind the outer surface of the front of the holder which is urged by spring pressure against the handle of the fishing rod to hold it in place at whatever angle is selected. U.S. Patent 6,394,329 issued May 28, 2002 to J.M. Magee discloses a belt clip having interconnecting orifices, one large enough to accept the top of a water bottle and the other small enough to fit sufficiently tightly about the head of the bottle or canteen to hold or support it. Several variations are described, but none operates in the manner of Applicant's cane holder as support of the flask depends upon the support of the smaller slot under the cap of a flask or bottle rather than on the flexibility or resilience of plastic to hold a cane and there is no intervening flexible but restricted opening between two differentially sized orifices to retain a cane in the smaller orifice after having been originally entered into the larger orifice. U.S. Patent 5,906,303 issued May 25, 1999 to N.J. Carone et al. directed to a baton holder for use by police officers and the like to securely hold batons sometimes called billyclubs or policemen's clubs. The holder is of plastic and hooks onto an officers belt and has within an orifice flexible flaps that provide resistance against the sides of a baton to hold it in place even during running and the like. There is only a single orifice rather than two or more, although in the principal embodiment the single orifice is extended to one side to provide a place to attach the club holder to a belt.


U.S. Patent 6,216,319 issued April 17, 2001 to O.K. Elkins discloses an adjustable lanyard with a loop intended to fit over the wrist of a tool user and be attached at the other end to a small tool which the user may not wish to drop in an inaccessible space into which the tool user may be extending his or her hands. As

such, the reference is directed to merely the details of a lanyard and not a cane holding device such as Applicant's.

Finally, Japanese published application 200,060,614A dated February 2000 to Yoshida discloses a double ended hook and loop strap for hooking around an umbrella or cane to attach it via a strap to the user by hand grasping or otherwise. None of these cited reference can be considered, it is believed, particularly pertinent or as showing the Applicant's device and serve mainly to illustrate the variety of devices that have been developed over the years to accomplish a somewhat similar aim to conveniently hold various objects to the person of the user or to other objects while not in immediate use all without coming up with the new and unobvious invention of the present Applicant.

There should be thus no additional claim fees and there is attached Check No. 5417 in the amount of \$685.00 for the attached *Petition To Revive Unintentionally Abandoned Application* at the small entity rate. Such check is attached to the said petition. If such check should not be attached or collectable, please charge such fees or deposit any excess in Deposit Account No. 15-0385.

Respectively submitted,


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